



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES APRIL 22, 2008

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The meeting was called to order by Chairman Ted Farah at 7:35 PM.

Present were Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Patrick Johnston, Richard P. Jowdy, Robert Melillo, Larry Stramiello, Andrew Wetmore and Alternates Jacqueline Perez-Ares and Thomas Spegnolo. Also present were Deputy Planning Director Sharon Calitro and Assistant Corporation Counsel Robin Edwards.

Absent were David Manacek and Alternate Victoria Hickey.

Chairman Farah asked Mr. Spegnolo to take Mr. Manacek's place for the items on tonight's agenda.

Mr. Melillo led the Commission in the Pledge of Allegiance.

Mr. Johnston made a motion to table the acceptance of the minutes. Mr. Wetmore seconded the motion and it was passed unanimously. Chairman Farah announced that they would be tabling the Halas petition as the Commission is waiting for some information from Corporation Counsel's office.

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OTHER MATTERS:

Comment and Recommendation on the report of the Historic Properties Study Committee, regarding the Danbury Music Center a/k/a the Old Library, 254 Main St.

Attorney Robin Edwards explained that this hearing is part of a formal process for the City to become eligible for funding from the CT Commission on Culture and Tourism. These funds would be designated specifically for the purpose of preserving and protecting historic buildings and districts. She said the Historic Properties Study Committee includes herself, Dennis Elpern, Dr. Laurie Weinstein from Western CT State University, and a few others. She read from the Committee report: "In order to be eligible for such assistance, the municipality must be designated as a 'Certified Local Government' by the Commission. This requires several steps: (1) the creation of a Historic Properties Study Committee to investigate the historic value of designated properties, (2) submission of a report to the CT Commission on Culture and Tourism, the Zoning Commission, and the Planning Commission for comment and recommendation, (3) a public hearing, (4) submission to Common Council for final approval and, (5) upon approval of the Commission on Culture and Tourism, the creation of a Historic Properties

Commission to administer the program at the local level.” She explained that this is step (2) and the subject property is the Old Library at 254 Main Street, which is a historic building with deteriorating masonry and valuable murals in need of restoration. She added that if the City can obtain the Certified Local Government designation by the State, they will be eligible to apply for additional funds to maintain the building and restore the murals. She said once the Historic Properties Commission is created, the City could then look into preserving other public buildings such as Hearthstone Castle and the Richter House. She continued saying that the Commission needs to approve the resolution so they can move on to the next step in the process.

Mr. Haddad asked if they will have to do this process only once. Attorney Edwards said yes but once the Commission is formed they would have to hold public hearings for any other buildings. She added that this is a long statutory process with specific procedural criteria that must be met and documented.

Chairman Farah asked for a motion. Mr. Melillo made a motion to accept the Committee report and approve the resolution. Mr. Johnston seconded motion and it was passed unanimously.

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PUBLIC HEARINGS:

Petition of Sheridan Commons LLC, 12 Home Pl. (portion of #J14161) for Change of Zone from R-3 to RMF-4.

Mr. Haddad excused himself as he is abstaining from this matter. Chairman Farah asked Ms. Perez-Ares to take his place for this matter.

Mr. Wetmore read the legal notice. Chairman Farah read the Planning Department Staff Report dated April 15, 2008. Mr. Melillo read the Planning Commission recommendation which was positive.

Attorney Ward Mazzucco said Sheridan Commons LLC is building condos on the adjacent property. He said Anthony Lucera is the principal in this LLC and he would like to add two additional parcels to the project. But this 1,300 sq.ft. parcel is not zoned the same as the other parcels, so it needs to be rezoned in order to add it to the other parcels. He said once this is done, then Mr. Lucera would submit a revised site plan to the Planning Dept. to allow for some additional units to be added to this project. Right now on the subject parcel there s a non-conforming vacant industrial building which is in pretty sad shape. He said the Plan of Conservation & Development shows this area as residential. He submitted a copy of the Plan which was designated Exhibit A. He then submitted two HART bus schedules to demonstrate that this area is located within the Urban Core. These were designated Exhibits B & C. He said eliminating this industrial use will accomplish the purpose and intent of the RMF Zone. He submitted a copy of the purpose and intent statement which was designated Exhibit D. Mr. Johnston asked if the purpose of this request was to allow one more unit to be added to this development.

Mr. Lucera then said his intent is to add an additional eight unit building to the project, but this 1,300 sq.ft. parcel is necessary to allow him to fit eight more units.

He said right now there are 23 units, if this is changed and added to the other land he already has, it would allow a total of 31 units. He said right now they have three handicapped adaptable units but with a new phase of eight more units they could have one more handicapped adaptable unit. He said they could do seven units without the zone change, but the extra unit would make the project. Mr. Lucera then submitted six photos of the project and also the existing non-conforming building. These were designated Exhibit E. He said they would continue the sidewalk so it would go from Home Pl. to Triangle St. and landscaping would also be done. He said lot line revisions have already been done to make the remaining parcels legal. Attorney Mazzucco then submitted a copy of the approved site plan for Sheridan Commons which was designated Exhibit F.

Chris Rowland said he has owned the factory building since 1971 and at one time operated his business out of it. He said since they no longer use the building it has deteriorated and is in pretty bad shape. He then introduced his daughter Jacqueline Rowland who said this change would definitely be an improvement to the site.

Roy Hunt said he has lived next to the factory building since 1972 and over the years, it has turned into a harbor for many illicit activities. It gathers litter and stolen goods are hidden out there. People sleep there either inside the building or in their cars. He said this building as it exists now is a negative, changing it and allowing the applicant to expand his project will enhance the entire neighborhood and get rid of an eyesore.

Barbara Hunt said this property has been in her family for 130 years and this is a lot better than what they could do with it. She said she is thrilled with the Sheridan Commons project because it is giving the neighborhood back to the neighbors.

Chairman Farah asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo asked if this factory building could be used in any other way. Mrs. Calitro said no because it is non-conforming with respect to the use, so it would either have to remain the same or be used for a use that is permitted in the zone.

Mr. Johnston made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Mr. Haddad returned to the meeting at this time

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Petition of the City of Danbury by Dennis I. Elpern to Amend Secs. 2.B., 3.H., 3.J. & 10.F. of the Zoning Regulations. (Amend Definitions, Lot Requirements, Maximum Height Requirements and Certificate of Zoning Compliance).

Mr. Wetmore read the legal notice. Chairman Farah read the Planning Department Staff Report dated March 28, 2008. Mr. Melillo read the Planning Commission recommendation which was positive.

Mrs. Calitro said this is fairly straightforward; it is a continuation of the revisions and corrections to the Zoning Regulations which we started last year. She said some of the

definitions were changed to be consistent with other towns in the area. She said they clarified the language regarding lot requirements and the height requirements were revised to remove the blanket exemption; now the individual zones will govern the height requirements. They also added a landscaping bond requirement to the Certificate of Zoning Compliance. She said this is something that is common practice but was never written down. Mr. Haddad asked where a wind generated turbine on a rooftop would fall in these Regulations. Mrs. Calitro said they did not consider them as they are not in common use at this time. Mr. Johnston asked what would happen if someone had a solar panel that exceeds the requirement. Mrs. Calitro said they could apply for a variance, unless the technology changes so much that we would need to amend the Regulations.

Chairman Farah asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Mr. Wetmore seconded the motion and it was passed unanimously.

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Petition of the City of Danbury by Dennis I. Elpern to Amend Secs. 3.E.9., 10.A.1., 11.C. of the Zoning Regulations.(Amend Auto Service Stations & Garages, General Provisions for Zoning Commission & Planning Commission, Motor Vehicle Related Businesses).

Mr. Wetmore read the legal notice. Chairman Farah read the Planning Department Staff Report dated March 28, 2008. Mr. Melillo read the Planning Commission recommendation which was positive.

Mrs. Calitro said the purpose of these amendments is to straighten out the Regulations regarding motor vehicle location approvals. All new motor vehicle businesses that are licensed by the State DMV need a local approval from zoning. For years it was the purview of the Zoning Board of Appeals. In 2003, the Statutes changed and it was bounced to the Zoning Commission. Then in 2005, they changed again, so that Dealers & Repairers licenses have to go the Zoning Commission and Gas Stations & Junkyards have to go to the ZBA. Junkyards were specifically excluded from these regulations because we do not allow them anywhere in the City. The requirements for service stations in Sec. 3 were revised and language requiring location approval be applied for simultaneously with site plan or special exception was added. These amendments do not affect any of the Planning Commission reviews; they just assign the review of location approvals to the Zoning Commission and the ZBA.

Chairman Farah asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Mr. Johnston seconded the motion and it was passed unanimously.

Chairman Farah asked if anyone wanted to make a motion to move either of the City petitions to Old Business. There was no response. Mr. DiCaprio then made a

motion to move the Petition of Sheridan Commons to number three under Old Business. There was no second so he withdrew the motion.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Michael J. Halas d/b/a to Amend Section 4.A.5.f.(9) of the Zoning Regulations. (Clarify farming operations permitted in the RA zones). *Public hearing closed 4/8/08 - 65 day decision making period will be up 6/12/08.*

Mr. DiCaprio asked why the decision was made to table this. Chairman Farah explained that he was waiting for some information from Corporation Counsel's office and he felt it was important enough so they should not vote on this tonight.

Mr. Johnston made a motion to table this matter. Mr. Melillo seconded the motion and it was passed unanimously.

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ZBA Subcommittee/ZBA Application for Use Variance: #08-20 - His Vineyard d/b/a His Vineyard Christian Fellowship, 22 Shelter Rock La. (#L15006), Request to vary Sec. 6.A.2.a., to permit a church use in the IL-40 Zone. *Zoning Board of Appeals public hearing scheduled for April 24, 2008.*

Chairman Farah read a letter from Dennis Elpern requesting that they not make any recommendation on this yet as applicant is expecting to present information at their public hearing which may be relevant to this Commission. Mr. DiCaprio made a motion to table this. Mr. Johnston seconded the motion and it was passed unanimously. Mr. Haddad suggested that since there is recent case law regarding this matter, they might need Corporation Counsel to be present when they discuss this. Mrs. Calitro said if that becomes necessary, it could be arranged.

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NEW BUSINESS:

Petition of Camillo M & Gloria Santomero, 14 Padanaram Rd. (#H10121) for Change of Zone from CN-20 to CL-10. *Public hearing scheduled for June 10, 2008.*

Petition of Peter Phrathep, 130 Triangle St. ((#K14007) for Change of Zone from RA-8 to RMF-4. *Public hearing scheduled for June 10, 2008.*

Mr. Melillo made a motion to refer these two matters to the Planning Commission for a recommendation. Mr. Wetmore seconded the motion and it was passed unanimously.

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Chairman Farah noted that there was nothing under Correspondence or For Reference Only. He then said he wanted to remind the Commission members to refrain from being seen with petitioners so as to avoid any accusations of collusion or impropriety.

Mr. DiCaprio then asked why they are not voting on the matters they heard tonight. Mr. Johnston said he also was wondering since he too was ready to vote tonight. He asked if it would be out of order now to move these petitions to Old Business so they could get them off the agenda. Mr. Melillo asked if he was making that a motion. Mr. DiCaprio said he would make a motion to move the City petitions to Old Business. Mr. Melillo suggested they should be separate motions. Mr. DiCaprio made a motion to move the first City petition they heard this evening to number three under Old Business. Mr. Melillo seconded the motion and it was passed unanimously. Mr. DiCaprio made a motion to move the second City petition they heard this evening to number four under Old Business. Mr. Melillo seconded the motion and it was passed unanimously.

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OLD BUSINESS

Petition of the City of Danbury by Dennis I. Elpern to Amend Secs. 2.B., 3.H., 3.J. & 10.F. of the Zoning Regulations. (Amend Definitions, Lot Requirements, Maximum Height Requirements and Certificate of Zoning Compliance).

Mr. DiCaprio made a motion to approve this petition for the following reason:

- These are administrative changes that will help clarify existing language in the Zoning Regulations.

Mr. Melillo seconded the motion and it was passed unanimously.

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Petition of the City of Danbury by Dennis I. Elpern to Amend Secs. 3.E.9., 10.A.1., 11.C. of the Zoning Regulations.(Amend Auto Service Stations & Garages, General Provisions for Zoning Commission & Planning Commission, Motor Vehicle Related Businesses).

Mr. Johnston made a motion to approve this petition for the following reason:

- These changes will make the language in the Zoning Regulations regarding Motor Vehicle Location Approvals comply with the language in the State Statutes.

Mr. DiCaprio seconded the motion and it was passed unanimously.

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Mr. DiCaprio made a motion to move the Petition of Sheridan Commons to Old Business also. Mr. Stramiello seconded the motion. Mr. Johnston said he is not ready

to vote on this yet and would like to have time to look at it. Mr. DiCaprio withdrew his motion and Mr. Stramiello withdrew his second.

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At 9:15 PM, Mr. Haddad made a motion to adjourn. Mr. Jowdy seconded the motion and it was passed unanimously.